



"The City With a Heart"

Larry Franzella, Mayor  
Irene O'Connell, Vice Mayor  
Rico E. Medina, Councilmember  
Jim Ruane, Councilmember  
Ken Ibarra, Councilmember

## MINUTES

### CITY COUNCIL REGULAR MEETING

September 23, 2008

7:00 p.m.

**1. CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met in regular session on September 23, 2008 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

**2. ROLL CALL/PLEDGE OF ALLEGIANCE:** **Former Mayor Robert Marshall** led the Pledge of Allegiance. Presiding was Mayor Franzella, Vice Mayor O'Connell and Councilmembers Ruane, Ibarra and Medina in attendance. Recording by Clerk Bonner.

**3. ANNOUNCEMENTS:**

a. **Mayor Franzella** announced Veteran's Day is Tuesday, November 11, 2008 and the Council Meeting would be typically held on Wednesday, November 12, 2008; however, due to a conflict, he asked the meeting be held on Monday, November 17, 2008. A resolution will be prepared for the October 14, 2008 meeting, noting such.

b. **Vice Mayor O'Connell**, representing the Beautification Task Force Committee, Provided an Update on the 2008 Twelfth Annual City of San Bruno Beautification Awards Program and said the awards would be presented at the next Council meeting of October 14, 2008.

**4. PRESENTATIONS:**

a. **Mayor Franzella** Presented a Proclamation for Arbor Day on September 27, 2008 to Interim Parks, Bldgs. & Facility Field Supervisor Freitas. **Freitas** invited everyone to come to the park on Saturday at 9:00 a.m. when the trees will be planted and 11:00 a.m. for Arbor Day Festivities.

b. **Mayor Franzella** Presented a Certificate of Appreciation to the San Bruno Rotary Club for the Scoreboard at San Bruno Park to Rotary President, Amy Fink. She thanked San Bruno for the certificate.

c. **Mayor Franzella** Presented a Certificate of Appreciation to the San Bruno Lions for the Scoreboard at Lions Field to Robert Marshall who thanked everyone and introduced Lions President Dora Bergman.

**Mayor Franzella** thanked the San Bruno Garden Club for the beautiful flower arrangement.

**Councilmember Ibarra** thanked Don Flowers of Flowers Electric for donating his services to hook up both scoreboards.

**5. REVIEW OF AGENDA:** Mayor Franzella pulled Item 9.g.

**6. APPROVAL OF MINUTES:** Regular Council Meeting of August 26, 2008, approved as submitted.

**7. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

a. **Approve:** Payroll of August 22 and September 5, 2008.

b. **Approve:** Accounts Payable of August 11, 18 and 25 and September 1, 2008.

c. Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated August 31, 2008 will be presented to Council on October 14, 2008.

d. **Receive:** 2008 Local Agency Biennial Notice of Conflict of Interest Code and Direct Staff to Recommend Amendments No later than December 23, 2008.

e. **Accept:** Resignation from Citizen's Crime Prevention Committee Member, Susan Morton. Declare a Boardmember Position Vacant and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

f. **Accept:** Resignation from Citizen's Crime Prevention Committee Member, James Prescott. Declare a Boardmember Position Vacant and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

g. **Accept:** Resignation from Culture & Arts Member, Karen Hornung. Declare a Boardmember Position Vacant and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

h. **Adopt:** Resolution Accepting Donation of \$10,050 from the San Bruno Lions Club for Baseball Scoreboard.

i. **Adopt:** Resolution Accepting Donation of \$8,979 from the San Bruno Rotary Club for Baseball Scoreboard.

**Mayor Franzella** pulled Items 7.e., f. and g.

**M/S Medina/Ruane** to approve the remainder of the Consent Calendar and passed with all ayes.

**Mayor Franzella** on Item 7.e. acknowledged Susan Morton's twenty-eight years of service to San Bruno and on Items 7.f. and 7.g., acknowledged James Prescott and Karen Hornung's years of service and thanked all of them.

**M/S Franzella/Ibarra** to approve remainder of the Consent Calendar and passed with all ayes.

## 8. PUBLIC HEARING:

a. Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Repealing Section 12.44.140 and Adding Section 12.44.140, Dedication of Land for Park and Recreational Purposes, of Chapter 12.44 (Improvement Standards) to Title 12 (Zoning) of the San Bruno Municipal Code.

**City Attorney Thompson** reviewed the staff report and asked for questions.

**Councilmember Ibarra** asked how would these changes affect existing developments. **City Attorney Thompson** said it really doesn't change anything.

**Mayor Franzella** opened the public hearing. No one wished to speak.

**M/S Ruane/Ibarra** to close the public hearing.

**M/S Ibarra/Medina** to waive the first reading and passed with all ayes.

**Councilmember Ibarra** introduced the ordinance for adoption and passed with a unanimous vote.

b. Hold Public Hearing, Waive First Reading, and Introduce Vehicle Repair Ordinance, Amending Section 12.100.055 of the San Bruno Municipal Code Limiting Work on Vehicles at Residences.

**Community Development Director Akin** introduced the Vehicle Repair Ordinance and turned the floor over to **Associate Planner Russell**. **Russell** reviewed the staff report which outlined an amendment to the ordinance. She said other changes have been proposed and they will come back to Council at a later date after staff conducts a comprehensive zoning update.

**Councilmember Ruane** asked if a couple lived in San Bruno and had seven children, could they repair their cars at their parent's house. **Russell** said yes. **Councilmember Ruane** expressed his

displeasure at cars being repaired at residential properties. **Aknin** said under the current ordinance it was true. He said with Council's direction this ordinance could be looked at more broadly or the issues could be addressed when the comprehensive zoning update is done which will be soon.

**Councilmember Medina** asked for a more definitive time than soon. He also questioned cars being worked on until 10:00 p.m. He suggested the time be rolled back to 9:00 p.m.

**Councilmember Ibarra** said when he first came on Council he had a complaint from an individual in Monte Verde who complained about vehicle work being done on their street. He said there needs to be something with more teeth to get these people right away.

**Vice Mayor O'Connell** asked how much the State law allows? **Aknin** said he would check on it.

**Councilmember Ibarra** said he didn't know how much of an issue this is in our City. **Aknin** said it is not a huge problem in the community; however, for those people living near it, it is a problem. In the past year there have been a handful of cases.

**Mayor Franzella** asked how much authority Council has to amend this ordinance much broader than was advertised? **City Attorney Thompson** said it would have to be redone and go back to the Planning Commission with any substantive changes. Mayor Franzella recommended we move forward with this and make this immediate change and then get a Study Session with the Council to talk about some of these and move forward with another much broader revision in the future.

**City Attorney Thompson** said State law does not play a role; decisions are made by City Councils.

**Mayor Franzella** opened the public hearing. No one wished to speak.

**M/S Medina/Ibarra** to close the public hearing.

**M/S O'Connell/Ibarra** to waive the first reading and passed with all ayes.

**Vice Mayor O'Connell** introduced the ordinance for adoption and passed with a unanimous vote.

c. Hold Public Hearing, Waive First Reading and Introduce Ordinance Amending San Bruno Municipal Code Section 2.36.140 of Chapter 2.36, Regarding Powers and Duties of the Personnel Board.

**Human Resources Director Yuki** gave an overview of the staff report and asked for questions.

**Mayor Franzella** opened the public hearing. No one wished to speak.

**M/S Medina/Ibarra** to close the public hearing.

**Vice Mayor O'Connell** commended the Personnel Board for taking this step.

**M/S O'Connell/Medina** to waive the first reading and passed with all ayes.

**Vice Mayor O'Connell** introduced the ordinance for adoption and passed with a unanimous vote.

## **9. CONDUCT OF BUSINESS:**

a. Receive Report and Provide Direction to Staff Regarding Proposed Ordinance Adding New Chapter 12.230 Establishing a Below Market Rate Housing Program to Title 12 (Land Use) of the San Bruno Municipal Code.

**Community Development Director Aknin** said this item came before Council as a result of a Study Session conducted in January. He gave an overview of the staff report and asked for questions.

**Councilmember Ibarra** asked about affordable housing and the status of the units at the Crossing? **Aknin** said there is an extreme high demand. **Housing & Redevelopment Manager Sullivan** added they encourage people to contact them to get on the list.

**Mayor Franzella** said he was very interested in rehabilitation and suggested a Study Session.

b. Receive Report and Provide Direction Related to Request to Amend Ordinance 1165 Regulating Parking Requirements at Tanforan Mall from 4.5 Parking Spaces Per 1,000 Square Feet of Leasable Space to 4.0 Parking Spaces Per 1,000 Square Feet of Leasable Space per Section 12.136 of the San Bruno Zoning Ordinance.

**Community Development Director Aknin** reviewed the staff report and asked for questions.

**Councilmember Ibarra** asked if Tanforan had something pending? **Aknin** said not at this time.

**Councilmember Ibarra** commented on Hillsdale having a requirement of 3.5 per 1000 and they do get a lot more shoppers. He said Tanforan has a lot of parking, it is just not convenient.

**Councilmember Medina** said the study showed 2.7 during the holidays, but he felt it was more than that. He asked if adding the spaces would assist the community and the shopper? **Aknin** said these mitigation measures would help support the 4.0 requirement.

**Mayor Franzella** asked for clarification of the mitigation measures. **Aknin** said the parking study said there had to be some mitigation measures, valet parking or off-site parking. At the Planning Commission meeting, staff recommended both.

**Vice Mayor O'Connell** said public transportation wasn't mentioned in the report and suggested a program which encourages employees to use the public transportation.

**Councilmember Ibarra** said the report showed 4.3 spaces, he asked if it was 4.0, how many spaces would be eliminated. **Aknin** said 4.3 spaces would be 4,388 and 4.0 would be 4,035. Councilmember Ibarra said if a fourth anchor or expansion was added, he said some parking would be taken away.

**M/S Ibarra/Ruane** directed staff to bring back an ordinance incorporating finding installation of "way-finding" signage, valet parking during peak holiday demand periods, and working with the Peninsula Traffic Congestion Relief Alliance to try to encourage use of public transportation by employees and reduce to 4 parking spaces per 1000 square feet and passed with all ayes.

c. Adopt Resolution Amending 2008-09 Capital Improvement Program Budget and Increasing the Budget for the Cable Plant Enhancements Project from \$958,167 to \$1,388,047 to Fund Digital Set-Top Boxes and Uninterruptible Standby Power.

**Cable TV Director Gyaltsen** gave an overview of the staff report and asked for questions.

**Councilmember Ibarra** asked how many additional boxes. **Gyaltsen** replied 2,377

**Councilmember Medina** said the report was very thorough. He asked if the UPS would have been an equipment reserve or capital improvement item? **Gyaltsen** said this year the cable budget is done a little differently; there is one cable fund for the whole cable operations and then an operating budget. **Finance Director O'Leary** said since the rebuild was completed, the equipment reserve model used previously has not been followed because there is such a turnover in boxes. The system replacement fund has been used for the equipment associated with that, where there is an aggregate amount for replacement built in there. This fund is exhausted from equipment purchases made over the last several years. **Councilmember Medina** asked if this should be explored to plan ahead for future replacements? **O'Leary** said in other funds the rates have been set in such a way where money is set aside for replacement. With the introduction of all the new

services, the capital demand has been so great, additional monies have not been available to set aside. He said if the capital investment slows down over the next few years, it would be prudent to reestablish the reserves. **Councilmember Medina** asked if there was another big expenditure? **Gyaltsen** said, presently Cable has been a pay-as-you-go system.

**Councilmember Ruane** introduced the resolution for adoption and passed with a unanimous vote.

d. Adopt Resolution Authorizing City Manager to Execute Memorandum of Understanding for Smart Corridor Project.

**Engineer Davis** gave an overview of the staff report and asked for questions.

**Councilmember Ibarra** said it appears to be more than a Public Works issue. He said law enforcement is going to be out there directing traffic and any disaster, which may occur.

**Vice Mayor O'Connell** said equipment has multi-faceted purposes, which can be used locally.

**Vice Mayor O'Connell** introduced the resolution for adoption and passed with a unanimous vote.

e. Adopt Resolution Authorizing the City Manager to Execute an Agreement with Technology, Engineering & Construction, Inc. DBA Accutite for \$32,000 to Provide Soil and Groundwater Investigation for the Groundwater Monitoring for Underground Storage Tanks Project.

**Engineer Davis** gave an overview of the staff report.

**Councilmember Ibarra** asked regarding fiscal impact, the County will accept this project and fully reimburse? **Davis** said 99.9% sure. He said the City would front all the funds, and all the clean up funds would be reimbursed, including this \$32,000.

**Councilmember Ibarra** adopted the resolution for adoption and passed with a unanimous vote.

f. Adopt Resolution Rejecting All Bids Submitted to the City of San Bruno on August 12, 2008 for the Civic Center Painting Project.

**City Manager Jackson** reviewed the staff report and pointed out the range of bids from \$29,000 to \$187,000.

**Councilmember Ibarra** asked where the stuccowork comes into play? **City Manager Jackson** said the bids did not include specialty projects (which include the stucco work). That was expected to be included under smaller specialty contracts. One consideration is to include this in the next round of bids.

**City Attorney Thompson** said there is a vast disparity between bids and engineer estimates, which can be a "red flag" and alert them to proceed with caution. She said the issue is whether the bid process here meets the two underlying objectives of the bid process. One is to provide all the contractors who wish to participate to allow them to compete on a level playing field. The other to be sure the City receives the best deal. The City Council could accept the bid; or, reject the bid and rebid the project. She said a more detailed pre-bidder qualification process could be used.

**Councilmember Ibarra** asked if the bidder could be spoken to? **City Attorney Thompson** said no, because it needs to be an equal playing field for the other bidders. **Councilmember Ibarra** said he was concerned we don't have any professional painters on staff. We are dealing with trust and boilerplate specs and once the low bidder gets the bid, we are stuck paying the extras.

**Councilmember Ruane** said the stucco and painting should be included in the bid and signage could be an add-on.

**Councilmember Medina** echoed what Councilmember Ruane said. He asked what other assurances need to be done and going forward how can we improve on this? **City Attorney Thompson** said this project was straightforward. She said a pre-qualification process would give staff the ability to evaluate the responsiveness of the bidder which was her recommendation for this bid process. In the future she said one of her interests is to revise all of our contract documents, one to upgrade and fine-tune them and the other is to review our best practices in what we should be considering looking at other jurisdictions.

**Councilmember Ruane** introduced the resolution for adoption and passed with a unanimous vote.

g. Receive Report and Provide Direction Related to Short Term and Long Term Goals for San Bruno's Industrial District (M-1). **Mayor Franzella pulled this item.**

h. Receive Report and Provide Direction Related to the Downtown Garbage and Recycling Program.

**Community Development Director Aknin** reviewed the staff report and asked for questions.

**Mayor Franzella** said it is amazing that all businesses do not have garbage and suggested it be an 8:00 a.m. item for tomorrow to be sure all these business who are not paying their garbage bills are paying them. He asked staff come back with a more comprehensive plan. He also said as businesses change there be provisions for the trash receptacles in the back.

**Councilmember Medina** said garbage pick-up is a law. He said he would like a follow-up. He said he believed they should know what the law is and the expectations are.

**Councilmember Ruane** said illegal dumpers would continue to dump. He said the business license holders should either be fined or their licenses revoked.

**Councilmember Ibarra**, in agreement with the other members of Council, said some of these business owners need to clean up their act and we need a whole overhaul plan to clean up the City.

**Vice Mayor O'Connell** expressed her appreciation for the concise report. She said there is a very successful program with the video cameras in the park at Beckner Shelter. Maybe that would be a cost effective way to do enforcement/discourage. She asked if the transit corridor plan was a comprehensive plan of how all these things could look? **Aknin** said yes.

**Mayor Franzella** called for a five minute break.

i. Adopt Resolution Authorizing City Manager to Execute a Contract in an Amount Not to Exceed \$75,000 with Dyett & Bhatia for Preparation of Housing Element Update.

**Housing & Redevelopment Manager Sullivan** reviewed the staff report and asked for questions.

**Councilmember Medina** asked what other cities Dyett & Bhatia have worked on? **Sullivan** said Belmont, San Pablo, Concord, Rohnert Park and one other.

**Councilmember Medina** said there were five bids and asked to be sold on spending \$35,000 additional? **Community Development Director Aknin** said the lowest bid was around the \$40,000 mark and had a lot less hours than the other bids. The person who did the \$40,000 bid is doing Hillsborough as well and he believed they underestimated the amount of time involved and would require a lot of staff time to assist in the process. The building rates were around the same rate but it was the overall number of hours included. This bidder identified what was needed in order to meet all the requirements. Councilmember Medina asked for assurance this bid and bidder is the best for the community?

**Councilmember Ibarra** introduced the resolution for adoption and passed with a unanimous vote.

j. Adopt Resolution Authorizing Closure of Upper Crystal Springs Road During Sewer Construction Project.

**Engineer Davis** gave an overview of the impacts of the closure of Upper Crystal Springs Road.

**Mayor Franzella** suggested closure of Crystal Springs Road occur between the hours of 9 to 4 rather than 7 to 5 due to the impacts at John Muir. **Engineer Davis** said the period of time could be defined. **Mayor Franzella** noticing should include why it is happening, why it is from 9 to 4 and why it is being closed.

**Mayor Franzella** introduced the resolution authorizing closure from 9 to 4 and passed with a unanimous vote.

**10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** None.

**11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

**12. COMMENTS FROM COUNCIL MEMBERS:**

**Councilmember Ibarra** referenced a letter from a citizen regarding a noise ordinance. He would like to hear from staff how the Park and Recreation Department is handling it.

**Vice Mayor O'Connell** noticed work being done by Cupid Row and wanted an update. She also asked if the County has made any response about the downstream portion of the Cupid Row where they have control. She also said we have some good ordinances but breaks down when there is not enforcement. She said two enforcement officers might not be enough. Better Signage was an additional concern she had, such as at the Park regarding dogs not being allowed. She asked to see the plans for the old El Camino site. She reminded everyone to be on the look out for your FOCUS.

**Councilmember Medina** asked everyone to come to the Park on Friday for the last movie of the season, The Wizard of OZ.

**13. CLOSED SESSION:**

The Human Resources Director as the City's Negotiator Requests a Closed Session Pursuant to Cal. Gov't Code Section 4957.6 Regarding Direction for Labor Negotiations for the Miscellaneous and Mid-Management Bargaining Units.

**14. ADJOURNMENT:**

**Mayor Franzella** closed the meeting at 9:27 p.m. The next regular City Council Meeting will be held on October 14, 2008 at 7:00 pm, at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval  
at the regular City Council Meeting of  
September 23, 2008

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Carol Bonner, City Clerk

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Larry Franzella, Mayor